

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAVIER FLORES GAYTAN,)	
)	
Petitioner,)	
)	
v.)	1:17CV979
)	
MICHAEL HARDEE,)	
)	
Respondent.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on May 15, 2018, was served on the parties in this action. Petitioner objected to the Recommendation. (Doc. 14.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination. The objections do not change the substance of the Recommendation, which is ADOPTED.

IT IS THEREFORE ORDERED that Respondent's Motion for Summary Judgment (Doc. 6) be GRANTED, that the Petition (Doc. 1) be DISMISSED, and that this action be DISMISSED WITH PREJUDICE. A judgment dismissing this action will be entered contemporaneously with this Order. Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the

conviction nor a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder
United States District Judge

July 31, 2018